

Plan for Furnishing Representation to Indigents Under the District of Columbia Criminal Justice Act (CJA Plan)

The Plan for Furnishing Representation to Indigents Under the District of Columbia Criminal Justice Act (CJA Plan) was revised by the Joint Committee on Judicial Administration, effective October 16, 2002. Set forth below is Section III, relating to the Court of Appeals.

III. COURT OF APPEALS PROCEDURES

A. Composition and Maintenance of a Panel of Attorneys.

The Court of Appeals shall develop and maintain a panel of practicing attorneys who are approved by the court as competent to provide adequate representation on appeal for persons qualifying under the Criminal Justice Act.

The selection and removal process for this list shall be developed and directed by the judges of the Court of Appeals to ensure that the composition of the panel reflects due regard for attorneys with the highest qualifications and that the size of the panel is consistent with the needs of this court. Applicable procedure and process shall be published by the Court of Appeals from time to time by way of administrative order.

B. Determination of the Need for Appointment of Counsel.

Where the Superior Court has appointed counsel to represent a criminal defendant during trial, thereby determining that the appellant is financially unable to obtain counsel, the Court of Appeals will accept this finding and appoint an attorney on appeal without additional proof of eligibility.

Where the request for appointment of counsel under the Act is made for the first time on appeal, the Court of Appeals shall first inquire into and make a finding as to whether the person is financially capable of obtaining counsel.

The Court of Appeals may, at any time after appointment of counsel, reexamine the financial status of the party for whom counsel has been appointed, and if it is found that the person is financially able to obtain counsel, the appointment may be terminated. If a party for whom counsel has been appointed retains the services of counsel during the pendency of the appeal, the prior appointment of counsel shall be terminated.

C. When Counsel Shall Be Appointed.

A financially eligible defendant or respondent shall be entitled to the appointment of counsel in the direct appeal from any criminal conviction, adjudication of delinquency or need for supervision, order directing incarceration, order directing extradition or order hospitalizing an individual under the mental health statute. Appointment of counsel in all other appeals taken from criminal, delinquency and need for supervision cases, including habeas corpus appeals and

collateral D.C. Code § 23-110 appeals, is within the discretionary authority of the Court of Appeals. Selection of counsel is made by the Court of Appeals and a party does not have the right to designate that a specific counsel be appointed.

D. Payment.

All claims for compensation and reimbursement for expenses reasonably incurred pursuant to representation under the Criminal Justice Act in furtherance of the appeal and any related responsibilities of counsel shall be itemized and prepared on prescribed forms and filed with the Clerk of the Court of Appeals. All such claims shall be filed promptly and in any event not later than one hundred twenty (120) days after the termination of the attorney's representation. Each voucher shall be submitted in accordance with the District of Columbia Rules of Professional Conduct.

The hourly rates of compensation and maximum amount of compensation for a specific appeal are established in accordance with the Criminal Justice Act, D.C. Code § 11-2604 (2001 ed.).

Submission of vouchers requesting payment for an amount exceeding the allowable maximum compensation must be accompanied by a statement outlining the need for a waiver of the maximum amount. The statement shall identify the specific reasons, such as the nature and complexity of the appeal, the need to communicate or meet with the client, any unusual or complex legal issues presented by the appeal and any other facts or circumstances, that justify exceeding the presumptive maximum compensation. Upon recommendation of the presiding judge, the final decision on vouchers requesting excessive compensation shall be made by the chief judge of the Court of Appeals.

Attorneys appointed to represent clients who incur expenses for travel in connection with such representation outside the metropolitan area, as defined by further administrative order of the Court of Appeals, shall not seek reimbursement for such expenses unless prior approval is sought and given by the Court of Appeals.